

Appl. No. 10/071,404
Att. Docket No. 12227/2
Reply To Office Action of 28 January, 2004

REMARKS

Applicant thanks the Examiner for the courtesies extended by the Examiner to the Applicant's representative, Andrew Reibman, Esq., during the telephone interview of March 23, 2004. At the interview, the Examiner took the position that Applicant's proposed amendment to claim 1 would present a new issue requiring additional search. Accordingly, to facilitate after final prosecution, claims 1 and 4 have been cancelled. Applicant reserves the right to continue prosecution of these claims in either a Request for Continuing Examination or Continuation. Applicant has amended Claims 12 and 14 to place them in independent form incorporating all the limitations of cancelled claim 1. Applicant has amended claims 2, 3, 5, 8, and 10-13 to depend from claim 14. Claim 16 has been amended to correct typographical errors. No new matter has been added. Claims 2-3, 5,7-8, 10-14, and 16-18 are now pending. Applicant respectfully requests entry of the amendment and reconsideration of the present application in view of this response.

DRAWINGS AND SPECIFICATION

With respect to paragraphs one to five (1 to 5), the Examiner objected to the drawings under 37 C.F.R. 1.83 (a) because certain claim limitations were not shown in the drawings. The pertinent claims, 4 and 6, have been cancelled.

The Examiner also objected to the proposed new drawing, Fig. 2 A, and a related proposed amendment to the specification. Applicant hereby withdraws the request to enter the new drawing and the proposed change to the specification.

Applicant respectfully submits all the objections raised by the Examiner should now be moot.

REJECTIONS UNDER 35 U.S.C. § 112

Claim 4 was rejected under 35 U.S.C. §112. Although Applicant submits that the claim was supported in the original specification and traverses the rejection, to facilitate prosecution, claim 4 has been cancelled. Applicant respectfully submits that the rejections made under 35 U.S.C. § 112 should now be moot.

REJECTION OF CLAIMS 1-3, 5, 7, 8, 10 AND 13 UNDER 35 U.S.C. § 102 (b)

With respect to paragraphs ten and eleven (10 and 11), claims 1-5, 7, 8, 10, and 13 stand rejected under 35 U.S.C. § 102(b) as unpatentable over Stucker (US 2,691,998). Claims 1 and 4 have been cancelled, mooted the rejection. It is respectfully submitted that Stucker does not anticipate amended claims 2, 3, 5, 7, 8, 10, or 13, as these claims now depend directly or indirectly from claim 14, which is not anticipated by Stucker.

REJECTION OF CLAIMS 1, 2, 4, 5, 7, 8, 10, 11, AND 13 UNDER § 103 (a)

In paragraph twelve (12), the Examiner rejected claims 1, 2, 4, 5, 7, 8, 10, 11, and 13 under 35 U.S.C. 103 (a) as being unpatentable over Deubener (US 1,305,198) in view of Vazquez (US 2001/0031104).

In paragraph fourteen (14), the Examiner rejected claims 1, 2, 4, 5, 7, 8, 11, and 13 under 35 U.S.C. § 103 (a) as being unpatentable over Musick (US 1,986,743) in view of Vazquez.

In paragraph seventeen (17), the Examiner rejected claim 12 under 35 U.S.C. § 103 (a) as being unpatentable over Deubener in view of Vazquez (US 2001/0031104) and Van Erdern (US 4,786,190).

In paragraph eighteen (18), the Examiner rejected claim 14 under 35 U.S.C. § 103 (a) as being unpatentable over Deubener in view of Vazquez and Hurst (US 4,290,763).

In paragraph nineteen (19), the Examiner rejected claim 16 under 35 U.S.C. § 103 (a) as being unpatentable over Deubener in view of Vazquez and Mencacci (US 2003/0091245).

In paragraph twenty (20), the Examiner rejected claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Deubener in view of Vazquez, Mencacci, and Cheng (US 4,867,577).


The *Affidavit Under 37 CFR 1.131* of Stephanie Dubsky, filed herewith, shows that, prior to the filing dates of both the Menacacci and Vazquez references, the Applicant conceived of and reduced to practice the invention claimed in claim 16 and cancelled claim 1, which has since been incorporated into claims 12 and 14. Accordingly, these references are not prior art to Applicant's claimed invention. Withdrawal of the § 103 (a) rejections is respectfully requested.

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CONCLUSION

In view of the foregoing, it is believed that the rejections have been obviated, and that pending claims 2-3, 5, 7-8, 10-14, and 16-18 are allowable. It is therefore requested that all the rejections be withdrawn, and that the present application be passed to allowance.

Respectfully submitted,
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